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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|------------------------|---------------------|------------------|
| 09/622,650 | 01/18/2001 | Stephen James Williams | C36510/10472 | 9072 |
| 49328 | 7590 | 05/20/2005 | EXAMINER | |
| BRYAN CAVE LLP 211 NORTH BROADWAY SUITE 3600 ST. LOUIS, MO 63102-2750 | | | NGO, LIEN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3727 | |

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/622,650

SA
Applicant(s)

WILLIAMS ET AL

Examiner

LIEN TM NGO

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-21, 23-34 and 36 is/are pending in the application.
- 4a) Of the above claim(s) 27-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-21, 23-26 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-21, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vichai (WO 86/06273) in view of Sanz et al. (EP 819417) and further in view of Lindsey et al. (5,143,237) and Hair (2,599,630).

Vichai discloses, a feeding bottle having a closure 13 and teat made of dissimilar plastic material, which are molded together from two-stage of molding process.

Sanz et al. teach a single-used feeding bottle; and wherein the components of the bottle are sterilized.

Lindsey et al. teach non-removable closure from a container, the closure comprising crew threads and ratchet teeth which cooperate with threads and lugs carried by the container neck.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the Vichai feeding bottle with ratchet teeth in the closure and lugs on the bottle neck, as taught by Lindsey et al., in order to prevent the closure to remove from the bottle for forming a single-use feeding bottle.

In regard to claim 21, a feeding bottle comprising a teat shield is well known in the art (see Ritsi 3,3549,036).

The combination of over Vichai in view of Sanz et al. and Lindsey et al. does not teach means for providing resistance to inwards deformation of the mouth of the bottle body.

Hair teaches a baby bottle having means which is capable of providing resistance to inwards deformation of the mouth of the bottle body (thick ring around the mouth of the bottle body).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the feeding bottle of Vichai in view of Sanz et al. and Lindsey et al. with a thick ring at the mouth of the bottle body, as taught by Hair, in order to provide a rigid structure at the mouth of the bottle body where the connection the cap closure and bottle body is occurred.

3. Claims 26 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vichai (WO 86/06273) in view of Sanz et al. (EP 819417) and further in view of Lindsey et al. (5,143,237).

Vichai discloses, a feeding bottle having a closure 13 and teat made of dissimilar plastic material, which are molded together from two-stage of molding process (see fig. 3).

Sanz et al. teach a single-used feeding bottle, and wherein the components of the bottle are sterilized.

Lindsey et al. teach non-removable closure from a container, the closure comprising crew threads and ratchet teeth which cooperate with threads and lugs carried by the container neck.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the Vichai feeding bottle with ratchet teeth in the closure and lugs on the bottle neck, as taught by Lindsey et al., and with a sterilized process as taught by Sanz in order to prevent the closure to remove from the bottle for forming a single-use feeding bottle which has been sterilized.

Response to Arguments

4. Applicant's arguments with respect to claims 15-21, 23-26 and 36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEE YOUNG can be reached on 571-272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LIEN TM NGO
Primary Examiner
Art Unit 3727

May 18, 2005

